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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,926	10/13/2004	Suzanne Berlin	03292.102030.	5925
66569 7590 03/09/2009 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
TSUL, WILSON W				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
03/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/711,926

**Applicant(s)**

BERLIN ET AL.

**Examiner**

WILSON TSUI

**Art Unit**

2178

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 28-47.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/CESAR B PAULA/  
Primary Examiner, Art Unit 2178

Continuation of 11, does NOT place the application in condition for allowance because:

The applicant first argues that there is no mention of XML tags in Baker et al. However, as clearly shown/known in the art, an XML document contains XML markup/code/tags. This is further evidenced in the first reference with respect to Aggarwal, which explains that an XML file is a file that is short for extensible markup language (Aggarwal, column 1, lines 20-22). In other words, an XML file includes extensible markup tags/code.

This is further explained by Aggarwal, in column 2, lines 55-60; whereas, an XML file includes known to include markup tags.

Thus, since Baker et al implements an XML file, and the XML file further includes code (Baker et al, paragraph 0062), then Baker et al's XML file implements tags/code, as well; and therefore, the applicant's argument is not persuasive.

The applicant secondly argues that the fields mentioned in Baker are not understood to be included in an XML TAG. However, this argument is not persuasive since the fields mentioned in Baker can be exported as XML tags/code, and the Examiner further explains that the export function retrieves form data in order to generate XML Tags/code (paragraph 0064: whereas, the exports engine retrieves form templates to render XML code/tags). The examiner respectfully points out in Baker et al that the form data is stored as XML templates, each XML template contains specific field information (paragraph 0062: whereas, form/field-data is stored in XML templates). Furthermore, the XML form data is further used to generate programming code (such as web page code), in order to display the input fields (paragraph 0062: whereas, a form engine renders XML code, using a style sheet datafile (formatting instructions), such that the input fields can be displayed in a browser, when the browser accepts the rendered code), and the displayed forms include fields that allow for user input (paragraph 0059: whereas, the displayed forms can be used for accepting feedback). Therefore, the fields in Baker are included in XML code/tags, and the code can be rendered using a style sheet to display input fields.

The applicant makes a third argument that Baker makes no mention of "an input interface element" or "a formatting instruction", much less "an interface element specified in a formatting instruction".

However, this argument is not persuasive, since as explained above, the form data is stored in XML code/tags, and the form includes fields, which are rendered, such that end users can input feedback data into the rendered forms.

The applicant makes a fourth argument that nothing has been found in Baker et al (in the cited portions or in the document as a whole) that is believed to teach or suggest "using the XML tag to obtain, from a second file, a formatting instruction corresponding to the field name" and "formatting program code corresponding to an input interface element specified in the formatting instruction, wherein the program code is configured to enable a value corresponding to the field name to be input via the input interface element". However, as this argument is not persuasive, and the examiner respectfully directs the applicant's attention to the explanation above, for how the teachings are taught, in the combination of Aggarwal et al, Sehnsadri, and Baker et al.